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November 28, 2005

Via ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

Re: VoIP E911 Compliance Letter on behalf of CommPartners Network Services,
LLC and CommPartners, LLC; WC Docket No. 05-196

Dear Ms. Dortch:

CommPartners Network Services, LLC and CommPartners, LLC (together “CommPartners” or “Company”) submit this Compliance Letter (“Letter”) to advise the Commission of the status of CommPartners’ efforts to comply with the Commission’s enhanced 911 (“E911”) service requirements and conditions applicable to interconnected Voice over Internet Protocol (“VoIP”) service providers as established in the IP-Enabled Services, E911 Requirements for IP-Enabled Service Providers, First Report and Order and Notice of Proposed Rulemaking.¹ (“VoIP E911 Order”) This filing should be considered a supplement to CommPartners’ filings thus far in this docket.² As required by the Commission’s rules, and consistent with the Public Notice issued by the Enforcement Bureau on November 7, 2005³ (the “Public Notice”), this Letter details CommPartners’ efforts to provide E911 service to customers in compliance with Commission directives.

CommPartners has made full E911 functionality part of its business plan from the Company’s inception. Not only is it simply the right thing to do socially, it also is smart business. CommPartners has always intended to provide full E911 as part of its leading-edge product offerings. CommPartners was surprised by the speed with which the Commission is requiring VoIP providers to be in compliance with all E911 rules. Since the announcement, CommPartners has faced the same difficulties other VoIP providers in developing true E911 solutions for its wholesale customers. Despite unprecedented cooperation within the VoIP industry, the Commission’s November 28, 2005 deadline has proven to be insurmountable for

¹ 20 FCC Rcd. 10245 (2005) (“VoIP E911 Order”).

² Pursuant to the Commission’s prior Public Notices, CommPartners filed three status reports concerning the Company’s efforts to inform customers about its emergency services. Specifically, CommPartners’ further notified its wholesale customers of the limitations associated with the Company’s VoIP 911 service. CommPartners also notified the Commission of its acquisition of affirmative acknowledgments from those wholesale customers stating that they fully understood the service’s limitations. These reports were filed in the above-referenced docket on July 29, September 1, and September 22.

³ *Enforcement Bureau Outlines Requirements of November 28, 2005 Interconnected Voice Over Internet Protocol 911 Compliance Letters*, WC Docket Nos. 04-36 and 05-196, Public Notice, DA 05-2945 (rel. Nov. 7, 2005).

CommPartners, just as it has even for companies whose sole business is developing and marketing E911 solutions.

CommPartners' and Intrado's projected timeframes for becoming fully compliant necessarily are affected by factors outside of their control. Specifically, their timeframes may or may not be met based on the level of cooperation of public safety answering points ("PSAPs"), incumbent local exchange carriers, and state and local agencies involved in the deployment of E911 services. Moreover, this Commission needs to create methods allowing VoIP providers to deploy solutions reliant on pseudo-ANI and require incumbent local exchange carriers to be truly cooperative.

Even before the Commission's actions on E911 for VoIP were announced, CommPartners was well underway in negotiations with E911 providers including Intrado and TCS. Ultimately, CommPartners chose Intrado as its E911 solutions provider. From all apparent indications, Intrado has tried to meet the deadline but will not completely cover CommPartners' wholesale customers given the short amount of time that Intrado had to provide full nationwide E911 coverage. In fact, Intrado is estimating that it will take at least until June 2006 to complete its national VoIP E911 roll-out. Because Intrado is serving as CommPartners' underlying E911 carrier, much of the information provided in response to the Enforcement Bureau's questions has been provided by Intrado.

CommPartners does have more flexibility than most VoIP providers because CommPartners is in the process of creating a nationwide, fully facilities-based network using its competitive local exchange carrier certifications ("CLEC").⁴ By being a regulated carrier, CommPartners has greater ability to develop its own E911 solution by directly connecting with public safety answering points and selective routers. In areas where Intrado does not have E911 coverage, CommPartners is in the process of creating physical connections to the emergency services networks. This process is, however, very expensive, time-consuming, and technically challenging. For just one example as to costs, CommPartners has established 911 trunk groups for the island of Maui. For this alone, the physical connections and testing took months to complete and the monthly recurring cost is over \$4000. Even with the advantage of being a CLEC, CommPartners will still require many more months before CommPartners can fill-in the gaps in Intrado's coverage area, particularly in rural areas where PSAPs are ill-equipped to handle VoIP calls.

After this introduction, the specific questions posed by the Enforcement Bureau will now be addressed in turn.

911 Solution

Based on the most recent information provided by Intrado, approximately 19.78% of the end users served by CommPartners' wholesale partners are fully in compliance with Commission rules. .31% are served by basic 911 services. The remaining 79.91% of the end user base does not have full E911 coverage. Please see Exhibit 1 for a graphical representation.

⁴ CommPartners, LLC has been approved as a competitive local exchange carrier in thirty-six states thus far and expects the remaining fifteen applications to be approved by the end of the year.

911 Routing Information/Connectivity to Wireline Network

Intrado will have access to 154 E9-1-1 Selective Routers and at least 567 PSAPs and up to 950 PSAPs by the end of November 28, 2005 and the attached exhibits reflect Intrado's major market deployment schedules. The market deployment map represents major markets where Intrado has connectivity to at least 1 selective router, ALI steering and the ability to populate ALI.

The V9-1-1 solution enabled by Intrado provides a true E911 solution for CommPartners' wholesale customers. The service enables a comprehensive approach to delivering E911 for VoIP by handling all aspects of the VoIP 911 call delivery and VoIP Positioning Center (VPC) functionality such as Master Street Address Guide (MSAG) Address Validation, ESQK management, Geocoding, real-time provisioning and routing determination. Included in the Service for CommPartners is also the call delivery component to ensure the 911 call reaches the appropriate selective router and PSAP. Intrado manages the VPC functionality and the call delivery component on behalf of CommPartners thereby enabling a full end to end solution. CommPartners wholesale customers provide address and telephone number information to Intrado via a real-time interface and the connectivity to the Intrado network to enable live 911 call delivery.

Transmission of ANI and Registered Location Information

Basic PSAP: Currently 93% of the US population is served by PSAPs operating off an E911 Selective Router. The remainder is not served by a selective router. While these areas are not included within the FCC Order and are not required for compliance, Intrado is actively contacting these areas to determine technical options for VoIP E911 native call delivery.

ANI Only: There are unique deployment circumstances in areas of the US and Puerto Rico that operate off of E911 Selective Routers, but will not meet the full FCC mandate. There are at least four (4) states and a territory that will have native Selective Routing functionality, but will only provide Automatic Number Identification (ANI) only service to the PSAP. The following information explains the circumstances within these areas:

New Jersey - In the State of New Jersey Intrado has gained permission from the State to deploy a voice only service which includes the call taker receiving ANI on the VoIP 911 caller. The State ALI system is not capable of full dynamic ALI updates and will require an upgrade. New Jersey represents 3% of the total US population.

Ohio - To date, Ohio has not granted permission to Intrado to deploy a voice only solution. The State ALI system is not capable of full dynamic ALI update. Ohio represents 4% of the total US population.

Hawaii - To date, Hawaii has not granted permission to Intrado to deploy a voice only solution. The ALI systems are not capable of full dynamic ALI update. Hawaii represents 5% of the total US population

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Puerto Rico - To date, Puerto Rico has not granted permission to Intrado to deploy a voice only solution. The ALI systems are not capable of full dynamic ALI update. Puerto Rico represents 3% of the total US population

911 Coverage

Intrado is estimating that it will complete its E911 network by June 30, 2006. Please see the spreadsheet attached as Exhibit 2 containing estimated timeframes for E911 deployment for every PSAP. In addition to Intrado's efforts, CommPartners is in the process of using its CLEC network to use its own 911 trunks in areas where CommPartners' network has been built thus far. This will be functionally equivalent to standard wireline E911. CommPartners is targeting the first quarter of 2006 and will have the following states covered: California, Nevada, Colorado, Hawaii, and BellSouth territory in Florida.

Obtaining Initial Registered Location Information

As far as the company is aware, CommPartners has created the most advanced back office system in the VoIP industry. CommPartners' back office systems integrate and tie directly into Intrado's address functionality systems. As a component of the V9-1-1 Service provided by Intrado, CommPartners has access to the Intrado Validation and Update Interface (VUI) which enables near real-time delivery of the end user's submitted address update information. CommPartners may integrate VUI into their existing provisioning systems to ensure seamless delivery of acquired registered location information to the Intrado systems.

Obtaining Updated Registered Location Information

CommPartners uses Intrados' V9-1-1 Mobility Services which provide a real-time provisioning interface to provision/register subscriber (location) data to Intrado to ensure the proper address and call back number is delivered to the appropriate PSAP at the time of a VoIP 911 call. Intrado's real-time provisioning process enabled by VUI includes a geocoding process as well as management of Master Street Address Guide (MSAG) validation at the time of provisioning. Customers can utilize a VSP provided web portal or a VSP provided service center by phone to enable the near real-time update to Intrado.

At the time of the VoIP 911 call, Intrado uses the end user's provisioned information to associate the latitude and longitude assigned during provisioning with the wireline PSAP boundaries maintained by Intrado to determine appropriate PSAP for delivery of the MSAG valid address and call back number of the end user.

Intrado also enables CommPartners to use the Intrado Level of Service (LoS) query integrated into the VUI application. This functionality enables a real-time query to Intrado with an address of a customer/end user for the purpose of determining the level of E9-1-1 service available to that customer based on their location. Intrado will return a set of responses (Enhanced, Basic, etc.) that will enable the user to determine E9-1-1 service level and take appropriate action.

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If the end users provide a new registered location within CommPartners' VoIP E911 footprint, they will access to E911 functionality in compliance with the *VoIP E911 Order*. If a customer provides a registered location outside of CommPartners' VoIP E911 footprint, however, CommPartners has no way to guarantee that the correct PSAP will be contacted, or that such a call will have full VoIP E911 capabilities such as ANI and correct registered location information associated with the call.

Technical Solution for Nomadic Subscribers

For nomadic VoIP services, to be in compliance with the Commission's *VoIP E911 Order*, CommPartners, Intrado and other third-party solution providers, would first need to have an E911 solution for fixed users deployed throughout the United States and its territories. Currently, there is no known, proven way to force this solution to work for nomadic subscribers. Regardless of a company's resources, as far as CommPartners understands current reality, it is technically infeasible to provide a VoIP E911 solution to nomadic subscribers throughout the United States, its territories and possessions. It may be possible in the future to send end user E911 calls to an Intrado call center to then be transferred to the correct PSAP. Based on recent FCC direction, however, it is unclear whether that would be considered compliant.

In addition to CommPartners and its affiliates, CommPartners also makes this filing on behalf of its many wholesale customer partners providing service to thousands of end users across the United States. CommPartners will provide the identity of its partners to the Enforcement Bureau if desired, but for business confidentiality purposes, this filing would need to be filed under seal. Should there be any questions or additional information required, please do not hesitate to contact me at 702 367-8647 ext. 1079. Thank you.

Sincerely,



Kristopher E. Twomey
Regulatory Counsel

Enclosures

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